



Amendment Report

Department initiated Amendment

Part V Division 3 of the *Environmental Protection Act 1986*

Licence Number	L4404/1991/15
Licence Holder	Harvey Fresh (1994) Ltd
ACN	065 591 219
File Number	DWERVT2474
Premises	Harvey Fresh Dairy and Juice Factories Third Street HARVEY WA 6229 Legal description – Lot 1 on Diagram 4786, Lots 20 and 22 on Plan 2344, Lots 187, 189 and 190 on Plan 202110, Lot 200 on Diagram 66494, Lots 33, 34, 35, and 36 on Plan 205324, and Lots 191 and 192 on Plan 202109
Date of Report	31/08/2023
Status of Report	Final

Decision summary

The delegated officer has determined to make amendments to licence L4404/1991/15. This amendment report documents the amendments made pursuant to section 59 and 59(B) of the *Environmental Protection Act 1986* (EP Act).

This amendment is made pursuant to section 59(1)(j) of the EP Act, being an amendment to give effect to a decision of the Minister under the EP Act. A copy of the Minister's Appeal Determination and Appeals Convenor's report can be obtained from the Appeals Convenor's website at www.appealsconvenor.wa.gov.au (Appeal number 035 of 2022).

Amendment description

On 8 September 2022, licence L4404/1991/15 was amended following a request from the licence holder, Harvey Fresh (1994) Ltd, to reduce the capacity and amend the construction requirements of the emergency wastewater collection tank, and to extend the secondary containment works completion date. At this time, the department also initiated an amendment to include conditions relating to the temporary irrigation of wastewater, as outlined in the licence holder's Winter Irrigation Management Plan and subsequent submission in April 2022, as approved by the department through a letter dated 26 May 2022.

An appeal was subsequently lodged by the licence holder against the conditions of the licence. In July 2023, the Minister allowed the appeal in part to the extent that:

- readings using a handheld soil moisture probe are only required during the months from May to August inclusive; and
- the specification that "irrigation does not occur when rainfall is occurring" only applies during the months from May to August inclusive.

Consultation

The licence holder was provided with the draft amended licence on 3 August 2023. The licence holder did not provide a response within the requested timeframe.

Decision

The delegated officer has amended the licence to give effect to the Minister's determination dated 26 July 2023, as required under section 110 of the EP Act. There is no right of appeal to this amendment under section 105 of the EP Act due to the Minister's determination.

The amendment report for the existing licence will remain on the department's website for future reference and will act as a record of the department's decision making.

Summary of amendments

The below table provides a summary of the amendments and will act as a record of implemented changes. All changes have been incorporated into the revised licence as part of the amendment process.

Condition no.	Amendments
10, Table 4	Added the words "Only during the months of May, June, July and August," in regard to soil moisture probe readings.
11, Table 5 (h)	Added the words "During the months of May, June, July and August," such that <i>irrigation does not occur when rainfall is occurring</i> only applies during these months.